

LAW OFFICES
HALEY BADER & POTTS P.L.C.
4350 NORTH FAIRFAX DR., SUITE 900
ARLINGTON, VIRGINIA 22203-1633
TELEPHONE (703) 841-0606
FAX (703) 841-2345
E-MAIL: haleybp@haleybp.com

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JOHN M. PELKEY
ADMITTED IN D.C. AND VA

DIRECT DIAL
(703) 841-3930

E-MAIL ADDRESS
Jpelkey@haleybp.com

August 26, 1999

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OUR FILE NO.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie R. Salas, Secretary
Federal Communications Commission
445 Twelfth Street, SW, Room TW-A325
Washington, DC 20554

RE: Amendment of Section 73.202(b)
Elberton and Lavonia, GA

Dear Ms. Salas:

Transmitted herewith on behalf of Radio Elberton, Inc., are an original and four copies of a Petition for Rulemaking.

No filing fee need accompany this petition.

If there are any questions concerning this matter, please contact this office directly.

Sincerely,



John M. Pelkey

Enclosures (5)
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Before The
Federal Communications Commission
Washington, D.C. 20554

In The Matter Of)	
)	
Amendment of Section 73.202(b))	Docket No.
Table of Allotments)	
FM Broadcast Stations)	
Elberton and Lavonia, GA)	

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Radio Elberton, Inc. ("Radio Elberton"), licensee of WWRK-FM, Elberton, Georgia, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, by deleting Channel 221A from Elberton, Georgia, and allotting Channel 221A to Lavonia, Georgia, as that community's first local aural service. In support thereof, the following is stated:

Radio Elberton is the licensee of WWRK-FM. WWRK-FM's community of license is Elberton, Georgia. Radio Elberton seeks to change WWRK-FM's community of license from Elberton, Georgia, to Lavonia, Georgia, because Elberton is already receiving service from WWRK(AM), which operates on 1400 kHz, and WEHR(FM), a Class A station operating on Channel 286, whereas Lavonia has no source of local programming.

Lavonia is an incorporated community with a population of 1,840 persons. It has businesses, churches, clubs and other characteristics of towns and communities that have radio allotments. It has no radio allotment, however, and this proposal seeks to remedy that deficiency.

Radio Elberton has determined that Channel 221A can be allotted to Lavonia as its first local aural service. An engineering study of the proposed allocation demonstrating compliance of the proposal with the technical standards for allocating a new channel is included with this Petition. The proposed allocation reference coordinates of North Latitude 34° 27' 26" and West Longitude 83° 14' 27" meet all Section 73.207 spacing requirements. From the proposed reference coordinates, the proposed facility would place a 70 dbu citygrade contour over all of Lavonia and thus would comply with Section 73.315(a) of the Commission's rules.

The proposal set forth in this Petition is consistent with the procedures authorized in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870(1989), as modified by *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094 (1990). Allotting Channel 221A to Lavonia would permit Lavonia to

receive its first local aural service, thereby serving the highest of the Commission's existing allocation priorities: "[T]here are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied." 5 FCC Rcd at 7096 (§ 16). Moreover, deletion of Channel 221A from Elberton will not leave Elberton without a local aural service inasmuch as that community receives service from one AM and one other FM station.

In addition, the proposal would permit a significant increase in the number of persons who are able to receive WWRK-FM. Currently, the station serves 21,488 persons and has a 60 dbu contour that encompasses 1,731.8 square miles. The proposed new Lavonia station would serve 60,810 persons within its 60 dbu contour, a 183 percent increase, and more than 2,500 square kilometers would be encompassed within that contour, which represents a coverage increase of 44 percent¹

Moreover, in permitting the reallocation of Channel 221A from Elberton to Lavonia, the Commission would not be depriving inhabitants

¹ The improvement in coverage is largely due to the fact that the station is limited to operation with less than full Class A facilities because of spacing considerations.

of the current WWRK-FM service area of service. As is demonstrated in the attached engineering statement, the proposed loss area is served by eight AM stations and several FM stations other than WWRK-FM. As a result, the loss area is well served and the creation of that loss area does not adversely affect the public interest.

If the Commission amends the FM Table of Allotments as requested herein, Radio Elberton, Inc., will promptly file an application to modify the WWRK-FM facilities to specify operation on Channel 221A at Lavonia and will promptly construct the requested facilities upon grant of the application.

Conclusion


For the reasons stated above, the public interest will be served by the allotment of Channel 221A to Lavonia, Georgia, as that community's first local aural service. Accordingly, Radio Elberton, Inc.,

respectfully requests that the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:

City	Present Allotment	Proposed Allotment
Elberton, GA	221A, 286A	286A
Lavonia, GA	---	221A

Respectfully submitted,

Radio Elberton, Inc.

By: 
John M. Pelkey
Its Attorney

HALEY BADER & POTTS P.L.C.
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606
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